

Appl. No. : 09/696,836  
Filed : October 25, 2000

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the June 13, 2005 Final Office Action. Claims 1-40, 45-51, 53, 60-66, 68-70, 72, and 76 were previously cancelled without prejudice, Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-92 are cancelled herein without prejudice, and Claims 93-97 remain as previously presented. Thus, Claims 93-97 are presented for further consideration.

#### **Request for Entry**

Applicants submit that the cancellation without prejudice of Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-92 reduces the issues and focuses prosecution. These claims were not previously cancelled because Applicants anticipated the allowability of these claims. Applicants respectfully request the Examiner to enter the amendments and to reconsider the pending claims in view of the following remarks.

#### **Response to Rejection of Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-97 for Obviousness-Type Double Patenting**

In the June 13, 2005 Final Office Action, the Examiner rejects Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-97 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-5 of U.S. Patent No. 6,212,566.

As discussed herein, Applicants have cancelled Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-92 without prejudice. Applicants reserve the right to pursue allowance of these claims in a continuation application which claims priority to the present application.

Applicants are submitting herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome the obviousness-type double patenting rejection of Claims 93-97. Applicants respectfully request that the Examiner withdraw the rejection of Claims 93-97 and pass these claims to allowance.

#### **Response to Rejection of Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-97 Under 35 U.S.C. § 102(e)**

In the June 13, 2005 Final Office Action, the Examiner rejects Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-97 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,742,840 issued to Hansen et al. ("Hansen").

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As discussed herein, Applicants have cancelled Claims 41-44, 52, 54-59, 67, 71, 73-75, and 77-92 without prejudice. Applicants reserve the right to pursue allowance of these claims in a continuation application which claims priority to the present application.

In the previously-issued March 4, 2004 Office Action, the Examiner considered the allowability of Claims 53, 68, 70, 72, and 76 in view of Hansen. The Examiner objected to Claims 53, 68, 70, 72, and 76 as being dependent upon a base claim rejected as being anticipated by Hansen. However, the Examiner indicated that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In the previously-submitted "Amendment and Response to March 4, 2004 Office Action," Applicants cancelled Claims 53, 68, 70, 72, and 76 and submitted new Claims 93-97 which correspond to these claims rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants submit that Claims 93-97 are allowable over Hansen, and Applicants assume that the rejection of these claims in the June 13, 2005 was unintentional. If Applicants are incorrect in this assumption, Applicants respectfully request clarification from the Examiner. Applicants respectfully request that the Examiner withdraw the rejection of Claims 93-97 and pass these claims to allowance.

#### Summary

For the foregoing reasons, Applicants submit that Claims 93-97 are in condition for allowance, and Applicants respectfully request such action.

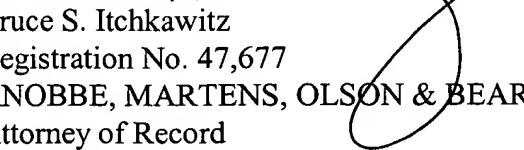
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: \_\_\_\_\_

8/15/05

By: \_\_\_\_\_

  
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